

1 MICHAEL J. BETTINGER (STATE BAR NO. 122196)
mike.bettinger@klgates.com
2 RACHEL R. DAVIDSON (STATE BAR NO. 215517)
rachel.davidson@klgates.com
3 MIKAL J. CONDON (STATE BAR NO. 229208)
mikal.condon@klgates.com
4 J. MICHAEL KEYES (STATE BAR NO. 262281)
mike.keyes@klgates.com
5 K&L GATES LLP
4 Embarcadero Center, Suite 1200
6 San Francisco, CA 94111
Phone: (415) 882-8200
7 Fax: (415) 882-8220

8 Attorneys for Defendant
9 Carma Laboratories, Inc.

10
11
12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14

15 MICHAEL TURCIOS, on behalf of
16 himself and all others similarly situated,

17 Plaintiff,

18 vs.

19 CARMA LABORATORIES, INC., a
20 Wisconsin corporation,

21 Defendant.
22
23
24
25
26
27
28

Case No. CV12-8487- JGB(Ex)

**DECLARATION OF RACHEL R.
DAVIDSON IN SUPPORT OF
CARMA LABORATORIES INC.'S
MOTION FOR RULE 11
SANCTIONS**

Date: May 6, 2013
Time: 9:00 a.m.
Location: Courtroom 1
Judge: Hon. Judge Jesus G. Bernal

DECLARATION OF RACHEL R. DAVIDSON

I, Rachel R. Davidson, declare as follows:

1. I am a partner at K&L Gates LLP, counsel for Defendant Carma Laboratories, Inc. ("Carma Labs") in this action. I make this declaration in support of Carma Labs' Motion for Rule 11 Sanctions. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, I could and would testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of the deposition transcript of Michael Turcios, dated March 1, 2013. The portions cited in Carma Labs' Motion are highlighted in the transcript.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 15th day of March in San Francisco, California.



Rachel R. Davidson

EXHIBIT A

In The Matter Of:

MICHAEL TURCIOS, et al.

v.

CARMA LABORATORIES, INC.

MICHAEL TURCIOS - Vol. 1

March 1, 2013

MERRILL CORPORATION

Legalink, Inc.

135 Main Street
4th Floor
San Francisco, CA 94105
Phone: 415.357.4300
Fax: 415.357.4301

MICHAEL TURCIOS - 3/1/2013

Page 1

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

MICHAEL TURCIOS, on behalf of)	No. CV12-8487-JGB (Ex)
himself and all others similarly)	
situated,)	
)	
Plaintiff,)	
)	
vs.)	
)	
CARMA LABORATORIES, INC., a)	
Wisconsin corporation,)	
)	
Defendant.)	
_____)	

DEPOSITION OF:

MICHAEL TURCIOS
Friday, March 1, 2013
10:00 a.m.

Reported by:

MONICA T. VOGELBACHER
CSR No. 6406 (2005-448743)

MICHAEL TURCIOS - 3/1/2013

Page 2

1 Deposition of MICHAEL TURCIOS, taken at 10100
2 Santa Monica Boulevard, 7th Floor, Los Angeles,
3 California, beginning at 10:00 a.m. and ending at 1:31
4 p.m., on Friday, March 1, 2013, before MONICA T.
5 VOGELBACHER, Certified Shorthand Reporter No. 6406.

6

7 APPEARANCES:

8

9 For Plaintiffs:

10

11 RIDOUT + LYON

12 BY: CALEB MARKER

13 Attorney at Law

14 555 East Ocean Boulevard, Suite 500

15 Long Beach, California 90802

16 (562) 216-7380

17

18

19

20

21

22

23

24

25

MICHAEL TURCIOS - 3/1/2013

Page 3

1 APPEARANCES: (Continued)

2

3 For Defendant Carma Laboratories:

4

5 K&L GATES LLP

6 BY: RACHEL DAVIDSON

7 JOHN B. NELSON

8 Attorney at Law

9 Four Embarcadero Center, Suite 1200

10 San Francisco, California 94111

11 (415) 882-8200

12 rachel.davidson@klgates.com

13

14 Also Present:

15

16 ADAM SPERRY, videographer

17

18

19

20

21

22

23

24

25

MICHAEL TURCIOS - 3/1/2013

Page 4

1	INDEX		
2			
3	WITNESS:	EXAMINATION	
4	MICHAEL TURCIOS		
5			
6	BY MS. DAVIDSON		6
7	BY MR. MARKER		100
8			
9			
10	E X H I B I T S		
11	PLAINTIFF		PAGE
12	Exhibit 1	Plaintiff's Verified Responses to Carma Laboratories Inc.'s First Set of Interrogatories	96
13			
14			
15	DEFENDANT		PAGE
16	Exhibit 1	9/4/12 letter RE: Preliminary Notice and Demand for corrective Action Pursuant to California Civil Code 1782	103
17			
18			
19			
20	INFORMATION REQUESTED		
21	(None)		
22			
23	QUESTION INSTRUCTED NOT TO ANSWER		
24	(None)		
25			

MICHAEL TURCIOS - 3/1/2013

Page 5

1 Los Angeles, California; Friday, March 1, 2013

2 10:00 a.m. - 1:31 p.m.

3

4 THE VIDEOGRAPHER: Here begins Volume 1,

5 videotape number one, in the deposition of Michael 10:00

6 Turcios, in the matter of Michael Turcios versus Carma

7 Laboratories, Inc., et al., in US District Court, Central

8 District of California. The case number is

9 CIV12-8487-JGB.

10 Today's date is 1 March, 2013, and the time on 10:00

11 the video monitor is 10 a.m.

12 The video operator today is Adam D. Sperry, a

13 Notary Public contracted by Merrill Legal Solutions, at

14 20750 Ventura Boulevard, Woodland Hills, California.

15 This video deposition is taking place at 10100 10:01

16 Santa Monica Boulevard, Los Angeles, California, and was

17 noticed by Rachel Davidson of K&L Gates.

18 Counsel, please voice identify yourselves and

19 state whom you represent.

20 MS. DAVIDSON: Rachel Davidson and John Nelson 10:01

21 for Carma Laboratories.

22 MR. MARKER: Caleb Marker for plaintiff.

23 THE VIDEOGRAPHER: The court reporter today is

24 Monica Vogelbacher of Merrill Legal Solutions.

25 Would the reporter please swear in the witness. 10:01

MICHAEL TURCIOS - 3/1/2013

Page 6

1 THE REPORTER: All right, sir, if you'll raise
2 your right hand, I'll place you under oath.

3 Do you solemnly state the testimony you give in
4 this deposition today will be the truth, the whole truth
5 and nothing but the truth, so help you God? 10:01

6 THE WITNESS: Yes, I do.

7 THE VIDEOGRAPHER: Please begin.

8

9 MICHAEL TURCIOS,
10 having been first duly sworn, was examined and testified
11 as follows:

12

13 EXAMINATION

14 BY MS. DAVIDSON:

15 Q Good morning. 10:01

16 A Good morning.

17 Q Mr. Turcios, have you had your deposition taken
18 before?

19 A Yes, ma'am.

20 Q And what was the case? 10:01

21 A I got bit by a dog when I was eight.

22 Q And you brought a lawsuit?

23 A Yeah. My mom sued the owner of the dog.

24 Q And what was the name of the owner of the dog?

25 A I'm not sure. 10:02

MICHAEL TURCIOS - 3/1/2013

Page 7

1 Q You don't know the name?

2 A I don't recall. I forgot.

3 Q Let me just go over a few ground rules before we
4 get into the process.

5 The goal for us today is to communicate.

10:02

6 A Uh-huh.

7 Q And in order to do that effectively, it really
8 helps, even for the court reporter, that you're not
9 talking over me and I'm not talking over you. So if
10 you'd do me a favor and let me finish my questions before
11 you respond, I won't interrupt your answers before I ask
12 another question. Okay?

10:02

13 A Okay.

14 Q Also, everyone here has an interest in having a
15 clear record, and so for any reason you don't understand
16 a question that I'm asking --

10:02

17 A Uh-huh.

18 Q -- let me know. I'm happy to rephrase that
19 question so you get a question you understand, so I get
20 an answer I understand.

10:02

21 Does that make sense?

22 A Yes.

23 Q And also, if you need to take a break at any
24 time, I'm happy to accommodate that. Just let me know.

25 You have a right to do that, and so not a problem. Okay?

10:03

MICHAEL TURCIOS - 3/1/2013

Page 8

1 A Okay.

2 Q All right. So let's go back to the first
3 lawsuit you've been in.

4 And that was a lawsuit brought on behalf of your
5 mom. Is that what you're saying? 10:03

6 A Yes.

7 Q Were you a named plaintiff in that lawsuit?

8 A Yeah. Yes.

9 Q Did you provide testimony in that lawsuit, in a
10 deposition or otherwise? 10:03

11 A Yes.

12 Q You did?

13 And did you get your deposition taken?

14 A Yes.

15 Q This is when you were eight? 10:03

16 A Uh-huh, yes.

17 Q How old are you now?

18 A 20.

19 Q And do you know generally what the result of
20 that deposition was? 10:03

21 I mean, sorry, excuse me.

22 Do you know what the result of the case was?

23 A The result. What do you mean, "the result"?

24 Q I mean how did it conclude.

25 You brought a lawsuit. Did it go to trial? Did 10:03

MICHAEL TURCIOS - 3/1/2013

Page 9

1 you get a settlement?

2 A I got a settlement.

3 Q You did?

4 What was the amount?

5 MR. MARKER: If you're not sure if it's
6 confidential or not, I'm going to tell you, think about
7 that first.

10:04

8 THE WITNESS: Do I have to tell you the amount
9 or...

10 BY MS. DAVIDSON:

10:04

11 Q I don't know.

12 MR. MARKER: It could be subject to a
13 confidentiality agreement. I don't know.

14 THE WITNESS: It was, like, 26,000, 30,000,
15 around there.

10:04

16 BY MS. DAVIDSON:

17 Q Around there?

18 So it was a settlement, is that what you're
19 saying?

20 A Yeah.

10:04

21 Q The case didn't go all the way to trial or
22 anything, did it?

23 A No.

24 Q So you gave your deposition.

25 Did your mom give a deposition in that case

10:04

MICHAEL TURCIOS - 3/1/2013

Page 10

1 also?

2 A I'm not sure.

3 Q What is your current address, sir?

4 A 1981 Chestnut Avenue.

5 Q And is that in Los Angeles?

10:04

6 A Long Beach.

7 Q Long Beach.

8 What's the ZIP code, sir?

9 A 90806.

10 Q 90806.

10:04

11 And how long have you lived at your current
12 residence?

13 A Nine years.

14 Q Is that an apartment?

15 A It's an apartment. Apartment number 8.

10:05

16 Q And prior to living at your Chestnut residence,
17 where did you live?

18 A On 10th and Temple, in Long Beach. I don't
19 remember the apartment number, though.

20 Q And how long did you live there?

10:05

21 A Not more than two years.

22 Q Where were you born and raised?

23 A In Long Beach.

24 Q So you grew up in Long Beach?

25 A Yes.

10:06

MICHAEL TURCIOS - 3/1/2013

Page 11

1 Q Have you lived in any other state besides
2 California?

3 A No.

4 Q I want to go over a little bit about your
5 educational background.

10:06

6 A Okay.

7 Q So let's start with, are you a high school
8 graduate?

9 A Yes.

10 Q Where did you graduate from high school?

10:06

11 A Millikan High School, in Long Beach.

12 Q Is that a public or private school?

13 A It's public.

14 Q And then after high school, did you attend
15 college?

10:06

16 A No.

17 Q Did you pursue any other educational studies
18 after high school?

19 A No.

20 Q Did you get a job after high school?

10:06

21 A Yes.

22 Q What was your first job?

23 A I was doing security.

24 Q And when you say you were doing security, if you
25 could give me a little more detail what that entails.

10:06

MICHAEL TURCIOS - 3/1/2013

Page 12

1 A I was doing security for a shipping company.

2 Q When you say "security," were you a security
3 guard? Is that what you're saying?

4 A Yeah.

5 Q What's the shipping company called?

10:07

6 A Damco.

7 Q Say that again, I'm sorry.

8 A Damco.

9 Q D-a-m...

10 A C-o.

10:07

11 Q C-o?

12 And is Damco located in Los --

13 A It's in South Gate.

14 Q South Gate.

15 And were you a full-time employee at Damco?

10:07

16 A Yes.

17 Q Then after Damco, did you get another job?

18 A Yeah, I actually did.

19 Q What's that job?

20 A I worked for E&B Natural Resources.

10:07

21 Q What kind of company is that?

22 A Oil field company.

23 Q And what was your general responsibilities
24 there?

25 A Maintenancing on the oil wells.

10:07

MICHAEL TURCIOS - 3/1/2013

Page 13

1 Q What kind of maintenance did you do on the oil
2 wells?

3 A Change valves, all kinds of stuff.

4 Q How long were you employed at E&B?

5 A About six months.

10:08

6 Q And is there a particular reason why you left
7 that company?

8 A Yeah. I was getting blamed for stuff.

9 Q Like what kind of stuff?

10 A They were just telling me I didn't know how to
11 do my job, but they had me train a new guy, so -- yeah.
12 I just got tired of it.

10:08

13 Q Was there any kind of formal complaints about
14 how you were doing your job at that time?

15 A Like any formal complaints?

10:08

16 Q Well, you mentioned that they were blaming you
17 for stuff.

18 A Yeah, yeah.

19 Q Was that they were blaming stuff was -- you
20 know, informally saying you were --

10:08

21 A Saying I didn't know how to do my job, stuff
22 like that, but they had me train a new guy.

23 Q So when you trained the new guy, is that some
24 indication you were doing your job right? Is that what
25 you're saying?

10:09

MICHAEL TURCIOS - 3/1/2013

Page 14

1 A Obviously, yeah. Yeah.

2 Q So were you fired?

3 A No. I quit.

4 Q What kind of stuff were they blaming you for?

5 A Hmmm. Just little things, just to get on me. 10:09

6 Little things like -- I'm not sure what they were blaming
7 me for. It was just -- it was everything, all kinds of
8 things every day, so...

9 Q So six months after that, you left.

10 Where did you go? 10:09

11 A I haven't been working since.

12 Q So you've been -- let's get dates.

13 When did you start working at E&B?

14 A Um, it was sometime in August 2012.

15 Q So let me back up for a second. 10:09

16 So your first job out of high school was Damco?

17 A It was actually Securitas. I worked for Damco.

18 Q Okay. And how long were you at Damco?

19 A Four months maybe.

20 Q And why did you leave that job? 10:10

21 A Got fired.

22 Q You got fired?

23 Why did you get fired?

24 A Sleeping on the job.

25 Q So you're there four months, you got fired. And 10:10

MICHAEL TURCIOS - 3/1/2013

Page 15

1 then you went to E&B?

2 A Right.

3 Q And then they were blaming you for all this
4 stuff --

5 A Right.

10:10

6 Q -- and you didn't want to stay there any longer,
7 right?

8 A Right.

9 Q So you left that job.

10 A Right.

10:10

11 Q And so you were there for six months.

12 And those are the equivalent of the two jobs
13 you've had since high school?

14 A Yeah. Yeah.

15 Q So you're unemployed right now?

10:10

16 A Yes.

17 Q Are you looking for a job?

18 A Yes.

19 Q What kind of job are you looking for?

20 A Scaffolding. It's in the oil refineries.

10:10

21 Q What is that?

22 A I'm not sure yet what they do, so... I have to,
23 you know, talk to people first.

24 Q How did you come in contact with the lawyers

25 that represent you today?

10:11

MICHAEL TURCIOS - 3/1/2013

Page 16

1 A Um, through Elaine.

2 Q Elaine?

3 A Uh-huh.

4 Q Elaine?

5 What's Elaine's last name?

10:11

6 A Cruz.

7 Q And who is Elaine Cruz?

8 A She's works for Ridout + Lyon.

9 Q She works for Ridout?

10 And how do you know Elaine?

10:11

11 A Her daughter's my girlfriend.

12 Q And Elaine Cruz works for Ridout, the law firm

13 that represents you today?

14 A Right.

15 Q And what's your girlfriend's name?

10:11

16 A Marissa.

17 Q Marissa Cruz?

18 A Acedo.

19 Q And where does Maria [sic] live?

20 A Marissa.

10:12

21 Q I apologize. Marissa. Sorry.

22 A She lives in Lakewood.

23 Q Do you know the address?

24 A I'm not sure of the address.

25 Q You don't know the address of your girlfriend's

10:12

MICHAEL TURCIOS - 3/1/2013

Page 17

1 house?

2 A Yeah, I don't remember it.

3 Q What about Elaine Cruz? Do you know where
4 Elaine Cruz lives?

5 A Same residence. I don't know where it is.

10:12

6 Q In Lakewood?

7 A Yeah.

8 Q How long have you known Marissa?

9 A Six years.

10 Q Six years?

10:12

11 A Yeah.

12 Q And you've known Elaine Cruz for that time?

13 A Yes.

14 Q So Elaine Cruz directed you to the law firm that
15 represents you today; is that what you said?

10:12

16 A Yes.

17 Q And so -- and how did that come about?

18 A I don't recall.

19 Q So you talked to Elaine Cruz about this case,

20 right?

10:12

21 A Yes.

22 Q And what was the conversation?

23 A Between me and Elaine?

24 Q Yeah.

25 A It wasn't actually between me and Elaine. She

10:12

MICHAEL TURCIOS - 3/1/2013

Page 18

1 was talking to Marissa one day about the case.

2 Q She was.

3 A Yes.

4 Q Do you know what Elaine Cruz's position is at
5 Ridout? 10:13

6 A I'm not sure.

7 Q So did you talk to Marissa about the case?

8 A No, I didn't speak to Marissa about the case.

9 Q So how did you come in contact with Elaine and
10 talk about the case? 10:13

11 A They were talking about the case one day, and I
12 happened to be there. And I overheard the conversation
13 they were having with the Carmex case. And I told them I
14 had purchased it in the past.

15 Q What were they saying about the case that you
16 were there and overheard the conversation about? 10:13

17 A I don't recall. I just know it was about the
18 case.

19 Q They were talking about it?

20 A Yes. 10:13

21 Q Were they talking about any particular product?

22 A Any particular product?

23 Q Well, you said Carmex, and I'm just wondering
24 what -- trying to get the specifics, as best I can, on
25 what the conversation was about when you said it was 10:13

MICHAEL TURCIOS - 3/1/2013

Page 19

1 about Carmex.

2 And so was it about a particular product from

3 Carmex, or...

4 A No. It was just mainly about -- you know what,

5 I'm not sure.

10:14

6 Q So you overheard this conversation.

7 A Yes. Yes.

8 Q And then so did you join in in the conversation?

9 A Yes. And I told them I had purchased Carmex

10 before, and I heard about what they were doing, or

10:14

11 whatever, and about the bottom of the jars. And she told

12 me contact Caleb.

13 Q So what was being discussed about the bottom of
14 the jars?

15 A How they were ripping people off.

10:14

16 Q So you joined in in the conversation. What did
17 you add?

18 A That I purchased Carmex before, quite a few
19 times.

20 Q And then Elaine said, Hey, why don't you get in
21 contact with the law firm I work at? Is that how it
22 went?

10:14

23 A Yeah.

24 Q And what was the date, as best you can

25 recollect, of this initial conversation with Elaine and

10:14

MICHAEL TURCIOS - 3/1/2013

Page 20

1 her daughter?

2 A I don't remember the date.

3 Q Well, what year was it?

4 A 2013, 2012.

5 Q So was it at the end of 2012, or...

10:15

6 A I'm not sure.

7 Q Do you know what month it was? Was it winter or
8 summer?

9 A No, I don't remember.

10 Q You don't?

10:15

11 A No.

12 Q And I apologize, I did ask this, and I don't
13 remember if I got an answer, what Elaine Cruz's position
14 is at the law firm.

15 A I told you the answer. I said I don't remember.

10:15

16 Q You don't remember?

17 A No.

18 Q And does Marissa have a job?

19 A Yes.

20 Q Where does Marissa work?

10:15

21 A With Ridout + Lyon.

22 Q Do you know what her position is?

23 A No, I'm not sure.

24 Q Do you know what she generally does for the law
25 firm?

10:15

MICHAEL TURCIOS - 3/1/2013

Page 21

1 A No. I never bothered to ask.

2 Q Do you know how long she's been working for the
3 law firm?

4 A About two years, I'd say.

5 Q So you had this initial conversation with Elaine 10:16
6 Cruz and Marissa Cruz -- or Marissa, I forget, you said
7 the last name, but...

8 Did you have any subsequent conversations with
9 them about Carmex?

10 A No. It was just that I purchased Carmex in the 10:16
11 past. That's about it. And...

12 Q So did you get in contact with attorneys at the
13 law firm that Marissa referred you to?

14 A Well, they said I was class rep, or whatever,
15 and that's about it. 10:16

16 Q Did you call them or did they call you?

17 A I never called.

18 Q So how did you become class rep of a lawsuit if
19 you never called in?

20 A I don't recall. 10:17

21 Q Well, you're a named plaintiff in a class-action
22 lawsuit, and you don't know how you became a plaintiff in
23 a class-action lawsuit you're bringing?

24 A I wasn't sure how I became class rep.

25 Q So let's step back for a second. 10:17

MICHAEL TURCIOS - 3/1/2013

Page 23

1 lawyers that work for the law firm that represents you
2 today?

3 A Yes.

4 Q When was that meeting or meetings?

5 A A couple days ago.

10:18

6 Q That's the first time you ever met with these
7 lawyers?

8 A Yes.

9 Q And did you have any written correspondence with
10 these lawyers at any time prior to filing the lawsuit?

10:18

11 A Written correspondence?

12 Q Yeah. Any sort of e-mail, written
13 correspondence, other than verbal correspondence with the
14 lawyers.

15 A No.

10:18

16 Q None.

17 A No.

18 Q So you agreed to be the plaintiff in a
19 class-action lawsuit that you filed, today, correct?

20 A Yes.

10:18

21 Q And you didn't communicate with any lawyers
22 beforehand?

23 A No.

24 Q Did you ever look at the complaint that was
25 filed on your behalf?

10:19

MICHAEL TURCIOS - 3/1/2013

Page 24

1 A Yes.

2 Q When was that?

3 A A couple days ago.

4 Q That was the first time?

5 A Yeah.

10:19

6 Q Do you want to take a break?

7 A Yeah.

8 Q Okay.

9 THE VIDEOGRAPHER: Going off the record. The
10 time is 10:19 a.m.

10:19

11 (Recess taken.)

12 THE VIDEOGRAPHER: Back on the record. The time
13 is 10:30 a.m.

14 BY MS. DAVIDSON:

15 Q Can you spell Marissa's last name, please.

10:30

16 A A-c-e-d-o. D-o.

17 Q Are you aware of whether you've entered into any
18 written agreement with the attorneys who represent you in
19 this matter?

20 A Yes.

10:31

21 Q You have.

22 A Yeah.

23 Q What written agreement is that?

24 MR. MARKER: Object to the extent it calls for
25 attorney-client privilege, but I'll allow you to answer.

10:31

MICHAEL TURCIOS - 3/1/2013

Page 25

1 So you can respond.

2 THE WITNESS: Retainer agreement.

3 BY MS. DAVIDSON:

4 Q And do you know when you entered into this
5 retainer agreement? 10:31

6 A August -- August 8th.

7 Q And did you sign this agreement?

8 A Yes.

9 Q And how did you get the agreement?

10 A Through the mail. 10:31

11 Q And then you signed it August 8th; is that
12 right? About that time?

13 A Around there. Around there.

14 Q And then you sent it back to --

15 MR. MARKER: If you're not sure of the exact 10:32
16 date, don't commit to it. Okay?

17 THE WITNESS: All right.

18 MR. MARKER: Don't guess.

19 BY MS. DAVIDSON:

20 Q Yeah, I just want your best date. I don't want 10:32
21 you to guess, but if you have a date in mind, then -- I
22 want your best --

23 MR. MARKER: It's okay to qualify.

24 BY MS. DAVIDSON:

25 Q -- best estimate. 10:32

MICHAEL TURCIOS - 3/1/2013

Page 26

1 MS. DAVIDSON: Hold on, we're talking over each
2 other. Let's proceed.

3 Q So August 8th is when I think you said you
4 received the agreement --

5 A Right.

10:32

6 Q -- around there.

7 And then you signed it around that time; is that
8 right?

9 A I'm not sure.

10 Q So you sent the retainer agreement back to the
11 law firm that represents you today, right?

10:32

12 A Right.

13 Q And did you read the retainer agreement?

14 A Yes.

15 Q And did it have any provisions about how your
16 attorneys will get paid in this matter?

10:32

17 A I'm not sure.

18 MR. MARKER: Object to the extent it calls for
19 anything attorney-client privilege.

20 BY MS. DAVIDSON:

10:33

21 Q Did the retainer agreement, if you remember,
22 have any terms about how you will get paid in this
23 matter, if any terms?

24 A No, not that I recall. I don't -- I can't
25 remember what it says.

10:33

MICHAEL TURCIOS - 3/1/2013

Page 27

1 Q Are you being compensated in this matter in any
2 respect?

3 A What does that mean?

4 Q Are you being paid any amount of money to be
5 involved in this case?

10:33

6 A No.

7 Q Have you ever submitted any expenses or bills to
8 the law firm that represents you in this matter?

9 A Submitted what?

10 Q Any expenses, bills, invoices for payment to the
11 law firm that represents you in this matter.

10:33

12 A No.

13 Q Other than the attorneys who represent you
14 today, have you ever been in contact with any other law
15 firms or attorneys regarding the Carmex matter?

10:34

16 A Yes.

17 Q You have.

18 What attorneys are those?

19 A What's -- like who or...

20 Q Yeah.

10:34

21 MR. MARKER: I think you're asking have you been
22 in contact with any attorneys outside of the law firm
23 representing him; is that correct?

24 MS. DAVIDSON: Yeah.

25 MR. MARKER: Okay.

10:34

MICHAEL TURCIOS - 3/1/2013

Page 28

1 BY MS. DAVIDSON:

2 Q And I thought your answer was yes.

3 A Yeah.

4 Q And what attorneys did you talk to, besides the
5 law firm attorneys that represent you in this matter? 10:34

6 A Oh, no, I -- you mean people who work for --

7 Q Let me try to --

8 A Yeah, I don't get what you're asking.

9 MR. MARKER: A lawyer I don't work with.

10 MS. DAVIDSON: Let me clarify this, okay? 10:34

11 Instead of having conversations between yourselves.

12 Q My question was that, other than the attorneys
13 in the law firm that represent you in this matter, have
14 you ever spoken to any other attorneys --

15 A Oh, no, no. 10:34

16 Q -- outside?

17 You have not.

18 A No.

19 Q Have you ever been charged with a crime before?

20 A No. 10:35

21 Q You mentioned that the first time you met with
22 your attorneys was three days ago, correct?

23 A Yeah, but that's not true. I actually met with
24 Caleb -- I've seen Caleb and spoken to him at, like,
25 office parties that they had. 10:35

MICHAEL TURCIOS - 3/1/2013

Page 29

1 Q You've been to Ridout office parties?

2 A Not office parties. Yeah, office parties, but
3 like in a different place, like a restaurant or something
4 like that.

5 Q You've talked to Caleb at a restaurant before? 10:35

6 A Well, yeah, a party that they had.

7 Q What party was that?

8 A I think it was a Christmas party.

9 Q Which Christmas? What year?

10 A This Christmas that just passed. 10:35

11 Q Past Christmas?

12 A Yeah.

13 Q What did you guys talk about?

14 A We didn't talk about nothing that has to do with
15 this. Just what's up, like that. 10:36

16 Q And had you met Caleb before the Christmas party
17 before?

18 A Have I met him, like, before that?

19 Q Yeah.

20 A Yeah, I met him before. 10:36

21 Q In what capacity?

22 A In what capacity?

23 Q Yeah.

24 A What does that mean?

25 Q So prior to the Christmas party, you've met with 10:36

MICHAEL TURCIOS - 3/1/2013

Page 30

1 Caleb, and I'm just trying to get the specifics on what
2 that meeting was.

3 A Yeah, I'm not sure, but I've seen him other
4 places.

5 Q And is that because of your relationship with
6 Marissa?

10:36

7 A I guess, yeah.

8 Q Where else have you seen Caleb, besides the
9 Christmas party?

10 A I'm not sure. I've seen him somewhere.

10:36

11 Q Have you spoken with any other attorneys,
12 besides Caleb, at the Ridout law firm?

13 A No.

14 Q When is the first time that you purchased the
15 Carmex .25-ounce jar?

10:37

16 A The first time?

17 Q Yes.

18 A I can't remember. I bought many of them. I
19 can't remember the first time I bought one.

20 Q You don't know what year you bought, first
21 purchased the .25-ounce jar?

10:37

22 A Probably '06, '07.

23 Q So '06 is the earliest date you can remember?

24 A The earliest date?

25 Q Yeah.

10:37

MICHAEL TURCIOS - 3/1/2013

Page 31

1 A I bought them all throughout high school, so I
2 mean...

3 Q So what --

4 A You asked me what was the first time that I
5 purchased Carmex.

10:38

6 Q Yeah.

7 A Yeah, that was the date, or the year, around
8 '06, '07.

9 Q What years did you go to high school?

10 A Through 2010.

10:38

11 Q So 2007 through 2010, or...

12 A Yeah. Yeah. Yeah.

13 Q So the first time you remember buying the
14 .25-ounce jar was in 2006, is that what you're saying?

15 A That's the first time?

10:38

16 Q The first time, yes.

17 A Yeah, I guess it was around there.

18 Q And was the jar that you purchased, this
19 .25-ounce jar that you purchased, was it sold as a
20 freestanding container or was it packaged in other
21 packaging?

10:38

22 A I can't remember.

23 Q How much did you pay for it when you first
24 purchased it in 2006?

25 A I can't remember.

10:39

MICHAEL TURCIOS - 3/1/2013

Page 32

1 Q Did you keep a receipt?

2 A No. Paid cash.

3 Q You paid cash?

4 A Yeah.

5 Q Did you ever keep the .25-ounce container you
6 bought for the first time?

10:39

7 A No.

8 Q Do you have any .25-ounce containers that you
9 bought? Have you retained any?

10 A No.

10:39

11 Q What did you do with the first .25 container you
12 purchased?

13 A Threw them away, like the other ones.

14 Q So prior to your first purchase of the .25-ounce
15 Carmex jars, had you ever heard of Carmex before?

10:39

16 A Of course.

17 Q When you say "of course," why do you say that?

18 A Who hasn't heard of Carmex?

19 Q When is the first time you heard of Carmex?

20 A I don't know.

10:39

21 Q Before you purchased it for the first time in
22 2006, you've heard of the product before, right?

23 A Yeah.

24 Q And had you heard anything about the company
25 that made the product that you purchased?

10:40

MICHAEL TURCIOS - 3/1/2013

Page 33

1 A No.

2 Q And how did you come to know the product Carmex
3 before you purchased it?

4 A I'm not sure.

5 Q You just heard of Carmex before?

10:40

6 A Well, yeah. I don't remember when was the first
7 time somebody told me about Carmex.

8 Q Do you remember what the conversation was about?

9 A No.

10 Q Somebody told you about Carmex, and then you
11 went to go purchase it for the first time; is that what
12 you're saying?

10:40

13 A Yeah, something like that.

14 Q So when you first purchased the Carmex .25-ounce
15 jar, what did the jar look like?

10:41

16 A Like the ones that look like now, same thing.
17 Like a little plastic coating on the bottom of the jar.

18 Q Well, let's flesh this out a bit.

19 So do you remember what material the jar was
20 made out of?

10:41

21 A Plastic, with a metal cap.

22 Q What color was the jar?

23 A Yellow.

24 Q All yellow?

25 A Yellow and white, red letters.

10:41

MICHAEL TURCIOS - 3/1/2013

Page 34

1 Q Do you know how big the jar was?

2 A It was a standard size jar.

3 Q When you say "standard size," what do you mean?

4 A Regular little jar.

5 Q And what did the bottom of the jar look like 10:41
6 when you first purchased it, the .25-ounce jar?

7 A It had a little indent on the bottom of it, with
8 a sticker over it.

9 Q So when you first purchased the .25-ounce jar,
10 you noticed it had a sticker on the bottom of it? 10:42

11 A Yeah.

12 Q At the point you purchased it, you saw the
13 sticker?

14 A No, not until, like, later on.

15 Q You didn't look at the bottom of the jar when 10:42
16 you first were purchasing it, before you purchased it?

17 A No.

18 Q So you looked at the bottom of the jar later on?
19 How much later on?

20 A I'm not sure. 10:42

21 Q So when you looked at the bottom of the jar
22 later on, what did the bottom of the jar look like?

23 A It had a little indent on the bottom of it.

24 Q Did you remove the sticker?

25 A No. 10:42

MICHAEL TURCIOS - 3/1/2013

Page 35

1 Q So just to get this straight, the first
2 purchase, it had -- when you first bought it had a
3 sticker on the bottom, correct?

4 A Uh-huh.

5 Q "Yes"?

10:42

6 A Yes.

7 Q And you never removed the sticker.

8 A No.

9 Q Do you know what the sticker looked like?

10 A No, I'm not sure.

10:42

11 Q So prior to purchasing the .25-ounce jar for
12 your first time, did you inspect the jar?

13 A No.

14 Q You just picked it up and purchased it?

15 A Yeah.

10:43

16 Q Did you notice, before you purchased it, whether
17 it had any written information on the jar?

18 A I can't remember.

19 Q You don't remember reading any product --

20 A No.

10:43

21 Q Let me finish, just so we have a clear record.

22 A Oh, sorry.

23 Q You don't remember when you first purchased the

24 .25-ounce jar whether it had any written information on

25 it, right?

10:43

MICHAEL TURCIOS - 3/1/2013

Page 36

1 A Right. I just picked it up and bought it.

2 Q So you didn't read any information on the jar
3 when you first bought it?

4 A No.

5 Q So prior to purchasing, you didn't look to see 10:43
6 whether it identified any weight or amount information on
7 the jar?

8 A No.

9 Q Did you do anything prior to purchasing your
10 first .25-ounce Carmex jar to determine how much product 10:44
11 was contained in the jar?

12 A When I first purchased it?

13 Q Yes.

14 A No. I just bought it, like I said.

15 Q So after you purchased your .25-ounce jar for 10:44
16 the first time, did you ever look to see whether there
17 was any information on the jar?

18 A No.

19 Q You never read anything on the jar at any point
20 is what you're saying, correct? 10:44

21 A No. I just know it was ChapStick -- or lip
22 balm.

23 Q Is there a reason why you didn't read any of the
24 product information on the jar?

25 A All I needed really to know is that it was lip 10:44

MICHAEL TURCIOS - 3/1/2013

Page 37

1 balm.

2 Q When you first purchased your .25-ounce jar in
3 around 2006, how much product did you think you were
4 getting in the jar?

5 A How much?

10:45

6 Q Yeah.

7 A Less than I thought I was going to get.

8 Q When you first purchased it, you thought you
9 were getting less?

10 A Well, yeah.

10:45

11 Q Why do you say that?

12 A Because it got empty, like, quick.

13 Q I'm sorry, I didn't catch that.

14 A It got empty quick. It didn't last that long.

15 Q Let's back up to my question.

10:45

16 Before you bought the .25-ounce jar for the
17 first time, my question was: How much product did you
18 think you were getting in the jar at your initial
19 purchase?

20 A Like, I expected more, put it like that.

10:46

21 Q At the time of purchase you expected more?

22 A Well, it just -- it got empty quick.

23 Q Yeah, but how is it getting empty quick?

24 A It didn't last long. The Carmex didn't last
25 long.

10:46

MICHAEL TURCIOS - 3/1/2013

Page 38

1 Q Yeah, but my question is more specific.

2 I'm asking you, when you first purchased it,
3 before making the purchasing decision, did you have some
4 expectation as to how much product --

5 A No.

10:46

6 Q -- - let me finish - -- how much product you
7 were getting?

8 A No.

9 Q At the time you purchased the jar, before you
10 bought it, did you have any expectation on how thick the
11 jar was?

10:46

12 A The first time?

13 Q Yeah.

14 A No.

15 Q Did you make any observations, the first time
16 you purchased the jar, about how much it contained or how
17 the jar was packaged?

10:47

18 A No.

19 Q You just bought it.

20 A I just bought it.

10:47

21 Q When you first bought the jar in 2006, how was
22 it displayed in the store?

23 A I'm not sure. I just picked it up.

24 Q You don't remember whether it was next to any
25 particular products or anything like that?

10:47

MICHAEL TURCIOS - 3/1/2013

Page 39

1 A No.

2 Q You can't tell me whether it was being sold next
3 to other lip balm products?

4 A I don't remember.

5 Q When you went to go pick it up for the first 10:47
6 time, did you compare it with any other product?

7 A No.

8 Q Why not?

9 A Who does that? Just pick it up and go.

10 Q So you just picked it up and purchased it -- 10:48

11 A Paid for it.

12 Q -- didn't even look at it.

13 A No.

14 Q Am I right?

15 A Yeah. 10:48

16 Q Prior to your purchasing Carmex in the .25-ounce
17 jar for the first time, did you ever use any other lip
18 balm products?

19 A No.

20 Q So the first time you purchased Carmex was the 10:48
21 first time you bought a lip balm product?

22 A Yeah.

23 Q And that was in 2006.

24 A Yeah.

25 Q Why did you buy Carmex for the first time? 10:49

MICHAEL TURCIOS - 3/1/2013

Page 40

1 A Because it was good.

2 Q When you say --

3 A It worked good.

4 Q When you say it works good, how did you know
5 that?

10:49

6 A Excuse me. What was that?

7 Q So when you bought it for the first time in
8 2006 - and I'm talking about the .25-ounce jar - my
9 question was: Well, why did you buy it for the first
10 time?

10:49

11 A I've seen other people use it.

12 Q And did you hear that it was a good product?

13 A Yeah.

14 Q And so when you went to buy it for the first
15 time, that was the reason you bought it, because you
16 thought it was a good product?

10:49

17 A Yeah.

18 Q Any other reason?

19 A No.

20 Q Where did you hear it was a good product?

10:49

21 A I'm not sure. I don't remember.

22 Q And then after you bought the .25-ounce jar for
23 the first time, did you use the product?

24 A Did I use it?

25 Q Yeah.

10:50

MICHAEL TURCIOS - 3/1/2013

Page 41

1 A Yeah.

2 Q And how soon after purchasing it did you use it?

3 A Right when I bought it.

4 Q And how did you use it?

5 A Like everybody else does. 10:50

6 Q How is that?

7 A Rub your finger and put it on your lips.

8 Q And how frequently did you use the product? And

9 I'm talking about your first purchase of the .25-ounce
10 jar. How frequently did you use it? 10:50

11 A I'm not sure.

12 Q Well, do you know how much typically you put on
13 your lips?

14 A No.

15 Q Where did you keep the product when you first
16 bought it? 10:50

17 A In my backpack.

18 Q Anywhere else?

19 A No.

20 Q Did you take it with you all the time? 10:51

21 A Yeah.

22 Q And at any point after first purchase of the
23 .25-ounce jar, did you examine the jar?

24 A Can you repeat that.

25 Q Sure. 10:51

MICHAEL TURCIOS - 3/1/2013

Page 42

1 After you purchased the .25-ounce jar for your
2 first time, did you ever examine the jar?

3 A No.

4 Q How much product in your first .25-ounce jar did
5 you use? 10:51

6 A I'm not sure.

7 Q Did you use the full amount?

8 A The full amount?

9 Q Yeah, in the jar.

10 A You mean like everything at once? 10:51

11 Q No.

12 Did you eventually use the full amount?

13 A Oh, yeah.

14 Q You used it all.

15 A Yeah, I used it all. 10:51

16 Q Like every last part.

17 A Well, yeah.

18 Q How long did it last?

19 A I'm not sure. I know it wasn't that long.

20 Q When you say it wasn't that long, do you have a 10:52
21 best time frame?

22 A No.

23 Q You don't know how long it took you to finish
24 the product --

25 A No. 10:52

MICHAEL TURCIOS - 3/1/2013

Page 43

1 Q -- is that what you're saying?

2 A Yeah.

3 Q When you finished the product for the first
4 time, did you look at the bottom of the jar?

5 A No. I just threw it away. I didn't think 10:52
6 anything of it.

7 Q So at the time you first purchased your
8 .25-ounce Carmex jar, and you finished it, did you have
9 any concerns or complaints about the amount of product
10 you were getting? 10:52

11 A No. I didn't think anything of it.

12 Q So you didn't complain to anybody?

13 A When I first purchased it?

14 Q That's right.

15 A No. 10:53

16 Q So when you --

17 MR. MARKER: Can we take a break in about five
18 minutes?

19 MS. DAVIDSON: Okay. Let me just finish this
20 line of questioning. 10:53

21 Q So when you first finished the .25-ounce jar for
22 your first time, were you satisfied with the amount of
23 product that you got?

24 A I didn't think anything of it. I just threw it
25 away. 10:53

MICHAEL TURCIOS - 3/1/2013

Page 44

1 Q You had no observation either way.

2 A No. I just threw it away.

3 Q And just to make sure I'm clear.

4 At the time you finished your first .25-ounce
5 Carmex jar, did you have any concerns or complaints about 10:53
6 the packaging or anything?

7 A No.

8 Q Did you think you got your money's worth, the
9 first time you bought it --

10 A I didn't know at the time. 10:53

11 MR. MARKER: I'll object to the extent it calls
12 for a legal conclusion, but...

13 MS. DAVIDSON: Okay.

14 Q So did you agree that the product was good after
15 you used it for the first time? 10:54

16 A Well, I didn't think anything. I just bought it
17 whenever I needed it.

18 Q Yeah, but if you continued to buy it, did it
19 suggest --

20 A Well, yeah, obviously -- 10:54

21 Q Let me finish.

22 If you continued to buy it, it suggests that you
23 were satisfied with the product; am I correct?

24 A Well, yeah. It was my favorite choice of lip
25 balm. 10:54

MICHAEL TURCIOS - 3/1/2013

Page 45

1 Q You liked it.

2 A Yeah.

3 Q You were satisfied with it.

4 A Yes.

5 MS. DAVIDSON: Okay. Do you want to take a 10:54
6 break?

7 MR. MARKER: Yeah.

8 THE VIDEOGRAPHER: Going off the record. The
9 time is 10:54 a.m.

10 (Recess taken.) 10:54

11 THE VIDEOGRAPHER: Back on the record. The time
12 is 11:11 a.m.

13 BY MS. DAVIDSON:

14 Q Before the break, we were talking about your
15 first purchase of the .25-ounce Carmex jar. 11:11

16 A Right.

17 Q And you mentioned the first purchase was in
18 2006, about, correct?

19 A Yes.

20 Q So after your first purchase of the .25-ounce 11:11
21 Carmex jar, did you buy it again?

22 A Yes.

23 Q And when was that?

24 A I'm not sure.

25 Q So after your purchase -- just to put this in 11:11

MICHAEL TURCIOS - 3/1/2013

Page 46

1 context.

2 So after your first purchase, you used the first
3 jar, then you bought the second jar.

4 Do you know what the time elapse is between the
5 first purchase of the Carmex .25-ounce jar and the second 11:12
6 one, about?

7 A I'm not sure.

8 Q Was your second purchase also in 2006?

9 A I don't know.

10 Q Do you have any recollection of what month it 11:12
11 might have been?

12 A No, I'm not sure.

13 Q Are there any particular months that you would
14 buy the product in versus other months?

15 A I'm not sure. 11:12

16 Q So am I correct, though, that you did buy it
17 again sometime after your first purchase in 2006, right?

18 A Yes.

19 Q And when you bought it for the second time, why
20 did you buy it? 11:12

21 A Because I ran out.

22 Q You liked it enough to buy it again, right?

23 A Yes.

24 Q And just to go back - I'm sorry, I didn't ask
25 you - when you first purchased the .25-ounce Carmex jar 11:13

MICHAEL TURCIOS - 3/1/2013

Page 47

1 in 2006, where did you buy it?

2 A At Walgreens.

3 Q What's the location, address?

4 A Willow Street, in Long Beach.

5 Q And to back up, how much did you pay for it, the 11:13
6 first time?

7 A I don't know.

8 Q You don't remember?

9 A I don't know.

10 Q So the second time you bought it, where did you 11:13
11 buy it at?

12 A At Walgreens.

13 Q Do you know how much you paid for it the second
14 time you purchased it?

15 A I'm not sure. 11:14

16 Q And you purchased it, I understood your
17 testimony, because you ran out the second time, right?

18 A Correct.

19 Q Any other reasons?

20 A No. 11:14

21 Q Am I correct that the first purchase you made in
22 2006 of the .25-ounce jar, you only bought one of them?

23 A Just one that day.

24 Q That one unit, yeah.

25 A Yes. 11:14

MICHAEL TURCIOS - 3/1/2013

Page 48

1 Q And then when you bought it the second time, did
2 you buy just one?

3 A Yes.

4 Q The second time you bought it, was it sold as a
5 freestanding jar or was it in other packaging?

11:14

6 A I don't remember.

7 Q The second time you bought it, before you
8 purchased the .25-ounce jar, did you inspect the product?

9 A No.

10 Q Is it true that you just picked it up and went
11 to the cash register and bought it and didn't think
12 twice?

11:15

13 A I don't remember.

14 Q You don't remember whether you looked at the jar
15 or not?

11:15

16 A I don't remember.

17 Q Do you remember if you read any of the product
18 information on the jar prior to purchasing it your second
19 time?

20 A I don't remember.

11:15

21 Q Do you remember after you purchased the jar for
22 the second time, whether you read any of the product
23 information on the jar?

24 A No.

25 Q Do you remember after you bought it the second

11:15

MICHAEL TURCIOS - 3/1/2013

Page 49

1 time, whether you inspected the jar in any respect?

2 A Hmmm? What was that?

3 Q Do you remember after you bought the .25-ounce
4 jar for the second time, did you examine the jar?

5 A No.

11:16

6 Q After you bought your .25-ounce jar for the
7 second time, did you use it, the product?

8 A Yes.

9 Q And did you use all of the product in the jar?

10 A Yes.

11:16

11 Q You got all the way down to the bottom of the
12 jar, correct?

13 A Yes.

14 Q When you got down to the bottom of the jar, did
15 you have any concerns or complaints?

11:16

16 A No.

17 Q Were you satisfied with the amount you got for
18 the price you paid at that point?

19 A I didn't think of it.

20 Q You didn't think twice about it?

11:16

21 A I just threw it away.

22 Q Used it, threw it out, right?

23 A (No audible response.)

24 THE REPORTER: "Right"?

25 THE WITNESS: Right.

11:16

MICHAEL TURCIOS - 3/1/2013

Page 50

1 BY MS. DAVIDSON:

2 Q That's a "yes," right?

3 A Hmmm. Yes.

4 Q And then the second time you purchased it, did
5 you notice what the bottom of the jar looked like before 11:17
6 you purchased it?

7 A I don't remember.

8 Q Do you remember after you purchased it for the
9 second time, whether you -- do you recall what the bottom
10 looked like, of the jar? 11:17

11 A I don't remember.

12 Q Do you recall anything about the jar after you
13 bought it twice?

14 A It was Carmex.

15 Q Am I correct, sir, that at the second time you 11:17
16 purchased the jar, you finished it, you had no questions
17 about -- or concerns about the amount of product you were
18 receiving for the price you were paying, correct?

19 A Yeah.

20 Q "Yes"? 11:17

21 A I didn't think of it.

22 Q So I take it you didn't complain to anybody,
23 right?

24 A No.

25 Q And did you use the second jar just like you 11:17

MICHAEL TURCIOS - 3/1/2013

Page 51

1 used the first jar, applied it to your lips?

2 A Yes.

3 Q You don't remember how long it took you to
4 finish the second jar, or do you?

5 A I don't remember.

11:18

6 Q Did you buy your second jar with cash?

7 A I don't remember.

8 Q Did you keep a receipt?

9 A I don't know.

10 Q Well, do you have a receipt today?

11:18

11 A No.

12 Q You don't have the jar today, right?

13 A No.

14 Q That's true of the first jar, right?

15 A What?

11:18

16 Q That's true of the first jar also?

17 A All of this that you just said?

18 Q Yeah, first and second jar.

19 A Yes.

20 Q After you finished your second jar of Carmex,
21 the .25 ounce in your second purchase, did you buy it
22 again?

11:18

23 A Yes.

24 Q Do you know when that was you bought your third
25 jar?

11:19

MICHAEL TURCIOS - 3/1/2013

Page 52

1 A I don't remember.

2 Q Could it have been in the same year?

3 A I don't know.

4 Q Could it have been two years later?

5 A I don't remember.

11:19

6 Q So you have no recollection as to when you
7 bought your third jar.

8 A No.

9 Q When you bought your third jar, where did you
10 buy it?

11:19

11 A At Rite Aid.

12 Q Where is Rite Aid located?

13 A Across the street from my high school I went to.

14 Q So at the time you bought your third jar, you
15 were still in high school?

11:19

16 A Yes.

17 Q When did you graduate from high school, I'm
18 sorry?

19 A When?

20 Q Yeah.

11:20

21 A In 2010.

22 Q So these purchases were prior to 2010?

23 A Prior?

24 Q Yeah.

25 A Yes.

11:20

MICHAEL TURCIOS - 3/1/2013

Page 53

1 Q So when you bought your third jar, why did you
2 buy your third jar?

3 A I ran out.

4 Q I'm sorry, why did you buy your third jar?

5 A Why did I buy it?

11:20

6 Q The third jar, yeah.

7 A Because I ran out of the second jar.

8 Q I take it you didn't keep a receipt of your
9 third jar either, did you?

10 A No.

11:20

11 Q Do you know how much you paid for your third
12 jar?

13 A I don't remember.

14 Q Do you remember what you paid for the second
15 jar?

11:20

16 A I don't remember.

17 Q Then when you bought your third jar, the reason
18 why you bought your third jar is because you ran out,
19 right?

20 A Yes.

11:20

21 Q Any other reasons?

22 A No.

23 Q I take it if you bought it the third time, you
24 liked the product, right?

25 A Yes.

11:21

MICHAEL TURCIOS - 3/1/2013

Page 54

1 Q You liked what you were getting, correct?

2 A Correct.

3 Q And like the first and second purchase, the
4 third purchase, do you remember anything about how the
5 product was displayed in the store?

11:21

6 A I don't remember.

7 Q Do you remember whether it was sold next to
8 other lip balm products?

9 A No, I don't remember.

10 Q And like the third purchase, did you read any of
11 the information on the jar prior to purchasing it?

11:21

12 A No.

13 Q What about after you bought your third jar, did
14 you read any information on the jar?

15 A No.

11:21

16 Q After you bought the jar, did you inspect the
17 jar?

18 A No.

19 Q Prior to purchasing the third jar, did you
20 inspect the jar?

11:22

21 A No.

22 Q Do you know what the bottom of the jar looked
23 like on your third purchase?

24 A No.

25 Q And that's true for your second purchase?

11:22

MICHAEL TURCIOS - 3/1/2013

Page 55

1 A Yeah.

2 Q So the time you bought your third jar, did you
3 finish your third jar of Carmex all the way to the bottom
4 of the jar?

5 A I don't remember.

11:22

6 Q You don't remember if you used all of it or not?

7 A I'm not sure.

8 Q Did you have any complaints with the third
9 purchase that you made?

10 A Not then, no.

11:22

11 Q When you say "not then," what do you mean?

12 A Well, no, I didn't.

13 Q And then after you bought your third jar, did
14 you buy a fourth jar?

15 A I think so.

11:23

16 Q You don't know if you did or you didn't?

17 A I'm pretty sure I did.

18 Q And this is prior to 2010?

19 A When you say "prior," that means before, right?

20 Q Yeah.

11:23

21 A Yes.

22 Q So between 2006 and 2010, can you give me an
23 estimate of how many Carmex .25-ounce jars you purchased?

24 A I don't remember.

25 Q So it was more than three, right?

11:24

MICHAEL TURCIOS - 3/1/2013

Page 56

1 A Yes.

2 Q Is it more than ten?

3 A Yes.

4 Q More than 20?

5 A No.

11:24

6 Q So more than 15?

7 A Between ten and 15.

8 Q Okay. So from 2006 to 2010, you bought about 15
9 jars; is that right?

10 A I don't remember, you know.

11:24

11 Q I was just going off your 15.

12 A Right.

13 Q Does that seem right, or...

14 A Yes.

15 Q Okay. And out of those 15 purchases that you
16 bought prior to 2010, did you ever read, prior to
17 purchasing, the information on the jar or packaging?

11:24

18 A No.

19 Q What about after any of those purchases, did you
20 ever read any of the information on the jar after you
21 purchased it, prior to 2010?

11:24

22 A No.

23 Q Prior to 2010, in those 15 purchases that you
24 made of the .25-ounce jar, did you ever inspect the jar?

25 A No.

11:25

MICHAEL TURCIOS - 3/1/2013

Page 57

1 Q Did you ever have any concerns or complaints
2 about the amount of product you were getting for the
3 price you paid for those 15 purchases?

4 A Not at the time.

5 Q Okay, not at the time.

11:25

6 Why do you keep saying "not at the time"?

7 A I'm answering your question.

8 Q So at the time you purchased all these 15
9 products before 2010, you were satisfied with what you
10 were getting, correct?

11:25

11 A I didn't think of it.

12 Q You just used it.

13 A Just used it.

14 Q And just like -- I'm trying to streamline things
15 so I don't have to go through every single purchase.

11:25

16 So out of those 15 purchases that you made
17 before 2010, did you ever compare any of Carmex's jars to
18 other products in the market before purchasing?

19 A No.

20 Q What were the reasons why you bought the 15 jars
21 prior to 2010?

11:26

22 A Chapped lips.

23 Q Anything else?

24 A No. I don't remember.

25 Q The answer is you don't remember.

11:26

MICHAEL TURCIOS - 3/1/2013

Page 58

1 A Right.

2 Q What were the prices you paid for these 15 jars,
3 do you know, prior to 2010?

4 A I don't remember.

5 Q And am I right, that you bought it at Walgreens 11:26
6 and Rite Aid for all these purchases, or are there other
7 stores that you bought it at?

8 A Walgreens and Rite Aid.

9 Q And prior to 2010, when you purchased your about
10 15 jars, how much product did you think you were getting? 11:26

11 A How much product in the jar?

12 Q Yeah. If you know.

13 A I don't.

14 Q You had no expectation either way?

15 A No. 11:27

16 Q Okay.

17 A I don't know.

18 Q And out of these 15 purchases that you made
19 prior to 2010, am I right that you never examined the
20 bottom of the jar? 11:27

21 A Correct.

22 Q Correct?

23 A Correct.

24 Q And you don't know the price for any of these
25 jars? 11:27

MICHAEL TURCIOS - 3/1/2013

Page 59

1 A I don't remember.

2 Q Did price matter to you?

3 A I don't know.

4 Q When you say you don't know whether price
5 mattered to you, I'm not entirely sure what that means. 11:27
6 Did it or did it not?

7 A I just paid for it.

8 Q You didn't go in to buy Carmex and say, Hey, I'm
9 looking for something that's in a certain price range?

10 A No. 11:28

11 Q Would you have bought it if it was \$10?

12 A No.

13 Q Did you have a price in mind that was
14 reasonable?

15 A I just paid for it, that's it. 11:28

16 Q You put no thought into it?

17 A No.

18 Q Did you ever consider -- in those 15 purchase
19 time frames, did you ever consider buying another
20 product? 11:28

21 A I don't remember.

22 Q And you have no receipts for any of those 15
23 purchases; am I correct?

24 A Correct.

25 THE VIDEOGRAPHER: I'm sorry, can we go off the 11:29

MICHAEL TURCIOS - 3/1/2013

Page 60

1 record for a second?

2 MS. DAVIDSON: Absolutely.

3 THE VIDEOGRAPHER: I need to move the witness's
4 mic.

5 MS. DAVIDSON: Okay.

11:29

6 THE VIDEOGRAPHER: Going off the record. The
7 time is 11:29 a.m.

8 (Discussion held off the record.)

9 THE VIDEOGRAPHER: Back on the record. The time
10 is still 11:29 a.m.

11:29

11 BY MS. DAVIDSON:

12 Q Back to your 15 purchases of the .25-ounce
13 Carmex jar, do you know if you used all the product
14 contained in those jars?

15 A I don't remember.

11:29

16 Q Well, was it typical for you to finish a jar?

17 A I don't remember.

18 Q You don't remember out of any of the 15
19 purchases?

20 A No.

11:30

21 Q Okay. So 2010. This is prior to 2010, we were
22 talking about your purchases. Now I'm going to talk to
23 you about after 2010.

24 After 2010, did you continue to purchase Carmex
25 in the .25-ounce jar?

11:30

MICHAEL TURCIOS - 3/1/2013

Page 61

1 A Yes.

2 Q And how frequently did you buy the product?

3 A I don't remember.

4 Q So let's take 2010.

5 Do you remember how many Carmex jars you bought 11:30
6 in 2010?

7 A No.

8 Q Do you remember the first purchase you made, in
9 2010, of the Carmex jar?

10 A No. 11:31

11 Q And just so I make sure I cover this, you don't
12 have any particular month in mind when you bought the
13 Carmex jar?

14 A No.

15 Q But you know you bought it after 2010, right? 11:31

16 A Correct.

17 Q And when you bought it after 2010, where did you
18 buy it at?

19 A At the Walgreens.

20 Q The Walgreens, where is that located? 11:31

21 A Willow Street.

22 Q And how much did you pay for it? If you know.

23 A I don't know.

24 Q You don't remember?

25 A I don't remember. 11:32

MICHAEL TURCIOS - 3/1/2013

Page 62

1 Q And am I correct that, like the other 15
2 purchases, you just picked it up and went to the cash
3 register and bought it?

4 A Yes.

5 Q And after 2010, when you bought the .25-ounce 11:32
6 Carmex jar, did you, before purchasing it, inspect the
7 jar in any respect?

8 A No.

9 Q Did you compare it to any other products?

10 A No. 11:32

11 Q Do you remember, after 2010, how the .25-ounce
12 jar was displayed in the store?

13 A No, I don't.

14 Q Do you remember, after 2010, when you bought the
15 .25-ounce jar, was it in a freestanding jar or was it in 11:33
16 other packaging?

17 A I'm not sure.

18 Q So after 2010, were you not sure whether you
19 bought it as a freestanding jar or other packaging at
20 all? 11:33

21 A I don't remember.

22 Q So it could have been either?

23 A I don't remember.

24 Q Are you aware of any other packaging that Carmex
25 is sold in, other than a freestanding jar? 11:33

MICHAEL TURCIOS - 3/1/2013

Page 63

1 A When you say "freestanding jar" --

2 Q I just mean the jar separately.

3 A Nothing attached to it?

4 Q Yeah, nothing attached to it.

5 A I don't remember.

11:33

6 Q You don't remember?

7 A No.

8 Q So after 2010, when you purchased products, why
9 did you buy it again?

10 A Just to have some.

11:34

11 Q Because you liked the product?

12 A Yeah.

13 Q And after 2010, did you ever inspect the jar,
14 prior to purchase?

15 A No.

11:34

16 Q What about after you bought the jar, did you
17 inspect the jar?

18 A No.

19 Q Did you ever -- after 2010, when you bought the
20 .25-ounce jar, did you ever read any product information
21 on the container of the jar or packaging?

11:34

22 A No.

23 Q Did you ever look at whether or not it told you
24 the amount you were getting?

25 A No.

11:35

MICHAEL TURCIOS - 3/1/2013

Page 64

1 Q And that's true for all your 15 purchases prior
2 to 2010 too?

3 A Correct.

4 Q And after 2010, when you purchased the .25-ounce
5 jar, did you use the full jar?

11:35

6 A I don't remember.

7 Q Do you remember what the bottom of the jar
8 looked like after you bought it in 2010?

9 A No, I'm not sure.

10 Q So we're talking about your first purchase after
11 2010.

11:35

12 How many times, from 2010 until now, have you
13 bought the Carmex .25-ounce jars?

14 A A few times.

15 Q More than ten?

11:36

16 A No.

17 Q Less than ten?

18 A Yes.

19 Q Less than five?

20 A I don't remember how many jars I bought.

11:36

21 Q After 2010.

22 A Yeah.

23 Q So after 2010, you don't remember the price of
24 any of these jars, correct?

25 A Correct.

11:36

MICHAEL TURCIOS - 3/1/2013

Page 65

1 Q Correct?

2 A Correct.

3 Q Do you know how many -- let me ask it this way.
4 When is the last time you bought the .25-ounce
5 jar? 11:36

6 A Last year or so. Sometime last year.

7 Q Last year, winter? If you could give me any
8 kind of month.

9 A Maybe around wintertime.

10 Q Like December? 11:37

11 A Yeah, around there. Somewhere around there. I
12 don't remember what month.

13 Q And so your purchases after 2010, do you have
14 receipts for any of those purchases?

15 A Do I have what? 11:37

16 Q Do you have any receipts?

17 A No.

18 Q Did you pay cash for all those purchases too?

19 A Yes.

20 Q After 2010, when you bought the .25-ounce jar,
21 did you inspect the jar in any respect? 11:37

22 A No.

23 Q After 2010, did the jar look the same as it
24 always looked for your purchases, the last 15 purchases
25 that you made? 11:38

MICHAEL TURCIOS - 3/1/2013

Page 66

1 A I'm not sure.

2 Q You're not sure if there was any difference
3 between the jar after 2010 and prior to 2010?

4 A Right.

5 Q The answer is "yes"?

11:38

6 A Right.

7 Q Okay. So I take it, at no time after 2010 did
8 you inspect and look at the jar, right?

9 A Correct.

10 Q You never looked to see what the jar's bottom
11 looked like?

11:38

12 A I mean, I knew it was there, but I didn't go
13 around and inspect the whole thing.

14 Q You knew the jar had a bottom, and that's it?

15 A Right.

11:39

16 Q Anything else you can remember about the bottom
17 of the jar after 2010?

18 A No.

19 Q Do you ever remember buying a Carmex jar in a
20 blaster card, what they call blister card packaging?

11:39

21 A No.

22 Q You never have.

23 MR. MARKER: Do you know what a blister card is?

24 THE WITNESS: A blister card?

25 MR. MARKER: Yeah. If you don't know what it

11:39

MICHAEL TURCIOS - 3/1/2013

Page 67

1 is, you should ask her.

2 THE WITNESS: What is it?

3 BY MS. DAVIDSON:

4 Q Let's just put it this way.

5 Other than the freestanding jar --

11:39

6 A Right.

7 Q -- do you remember buying Carmex in any other
8 packaging? I think your answer was no, but I'm just
9 following up.

10 A It had a plastic packaging on it.

11:40

11 Q When you say "plastic packaging," what are you
12 talking about?

13 A It was like -- it was like a plastic with, like,
14 cardboard in the back.

15 Q And when did you make that purchase?

11:40

16 A I'm not sure.

17 Q 2010?

18 A I'm not sure.

19 Q 2011?

20 A Maybe. I don't remember.

11:40

21 Q Do you know how many times you bought the Carmex
22 product in packaging you just described?

23 A How many times?

24 Q Yeah.

25 A I don't remember.

11:40

MICHAEL TURCIOS - 3/1/2013

Page 68

1 Q More than once?

2 A I don't remember.

3 Q Where did you buy the Carmex jar, with the
4 packaging you just described, at?

5 A Walgreens on Willow Street, in Long Beach.

11:41

6 Q You paid cash for it?

7 A Yes.

8 Q Is there a reason why you bought the Carmex
9 product in the packaging you just described versus the
10 freestanding jar that it sold as?

11:41

11 A I just bought it.

12 Q Did you read any of the packaging on the
13 cardboard that you purchased with the product?

14 A No.

15 Q Is the answer "no"?

11:42

16 A No.

17 Q After you bought it, did you read the packaging
18 of the Carmex and the cardboard packaging you just
19 described?

20 A No.

11:42

21 Q After you bought the Carmex jar in the packaging
22 you just described, did you buy it again?

23 A I don't remember.

24 Q Of all the purchases we're talking about, the

25 .25-ounce jar that you made, from 2006 to present, did

11:42

MICHAEL TURCIOS - 3/1/2013

Page 69

1 you ever read any of the information on the product that
2 you purchased?

3 A No.

4 Q That's true for the cardboard packaging product
5 you bought also?

11:42

6 A Correct.

7 Q And out of all the purchases you made of the
8 Carmex jar, from 2006 to present, you don't remember the
9 price you paid?

10 A No, I don't.

11:43

11 Q And am I correct, out of all the purchases of
12 the Carmex .25-ounce jar you made from 2006 to present,
13 you never inspected the jar?

14 A No.

15 MS. DAVIDSON: Let's take a quick break.

11:43

16 MR. MARKER: Okay.

17 THE VIDEOGRAPHER: Going off the record. The
18 time is 11:43 a.m.

19 (Recess taken.)

20 THE VIDEOGRAPHER: Back on the record. The time
21 is 11:53 a.m.

11:51

22 BY MS. DAVIDSON:

23 Q Have you ever looked at Carma Labs' Web site?

24 A No.

25 Q Have you ever reviewed any type of

11:53

MICHAEL TURCIOS - 3/1/2013

Page 70

1 advertisements or marketing that Carma Labs does?

2 A No.

3 Q Have you ever -- to be more specific, have you
4 ever look at any marketing or advertising that pertained
5 to the Carmex product before? 11:54

6 A No.

7 Q Have you ever read anything online that
8 pertained to Carmex or Carma Labs?

9 A No.

10 Q What lip balm product do you use today, if any? 11:54

11 A ChapStick.

12 Q And what package is that sold in?

13 Let me do it this way.

14 A They're sold without a package, just with the
15 plastic around it. 11:55

16 Q Are you talking about the tube?

17 A The sticks.

18 Q Yeah, the sticks? Is that what you buy?

19 A Yes.

20 Q And do you know how much product is contained in 11:56
21 those ChapStick sticks?

22 A No.

23 Q And buying lip balm, is the amount of product
24 important to you?

25 A If I'm paying for it, yes. 11:56

MICHAEL TURCIOS - 3/1/2013

Page 71

1 Q And why is it important?

2 A You don't want to spend \$3 on something when
3 really it's worth a dollar.

4 Q So this ChapStick stick that you're using, when
5 did you start using ChapStick stick in the stick form? 11:56

6 A I'm not sure.

7 Q Do you still use Carmex today?

8 A I would.

9 Q You would still use it?

10 A Yes. 11:57

11 Q But do you still use it?

12 A Not right now.

13 Q Why not?

14 A Didn't need it.

15 Q But at some point are you going to need it
16 again? 11:57

17 A Maybe.

18 Q Are you going to buy it again?

19 A Maybe.

20 Q When you say "maybe," is there something that
21 you're unsure about? 11:57

22 A No. Just maybe, maybe I will buy it.

23 Q Are you going to buy it in the .25-ounce jar?

24 MR. MARKER: Objection, speculation.

25 MS. DAVIDSON: Well, he said "maybe," so I'm 11:57

MICHAEL TURCIOS - 3/1/2013

Page 72

1 asking him.

2 MR. MARKER: That's fine.

3 You can answer.

4 BY MS. DAVIDSON:

5 Q Is it still "maybe," you may?

11:58

6 A I may.

7 Q But right now you said you're not buying it in
8 the .25-ounce jar because you don't need it?

9 A I don't need it right now.

10 Q Is that because you have ChapStick?

11:58

11 A I just don't have chapped lips.

12 Q But when you get chapped lips, are you going to
13 buy the Carmex product?

14 A I don't know.

15 Q Can you tell me why you filed this lawsuit, sir.

11:58

16 A When it was mentioned to me about Carmex ripping
17 people off, I felt it wasn't right. You know, you're not
18 going to go out and get a 12-ounce soda and it only have
19 6 ounces in it. See what I'm saying? That's ripping
20 people off. You want to get your money's worth for what
21 you buy. And I purchased so many of those jars.

11:59

22 Q So when you say you heard it mentioned, are you
23 talking about your conversation with Ms. Cruz and
24 Marissa?

25 A Right. I wanted to get more involved in the

11:59

MICHAEL TURCIOS - 3/1/2013

Page 73

1 case.

2 Q Once you heard from them.

3 A Right.

4 Q Have you talked to Marissa about this case at
5 all after? 11:59

6 A No.

7 Q Have you talked to anybody about this case?

8 A Just my lawyer.

9 MR. MARKER: Objection to the extent it calls
10 for attorney-client privilege. 11:59

11 MS. DAVIDSON: I can ask if he talked to
12 someone.

13 MR. MARKER: Yeah.

14 MS. DAVIDSON: He can say his lawyer, and I
15 wouldn't ask him what he said, but... 11:59

16 Q You talked to your lawyer.

17 A I talked to my lawyer.

18 Q When you met with your lawyer for the first time
19 three days ago, how long did you meet with your lawyer?

20 A I'm not sure. 12:00

21 Q Was it half a day?

22 A I don't remember.

23 Q Have you ever talked to any other consumers out
24 there who purchased Carmex in the .25-ounce jar?

25 A No, I haven't. 12:00

MICHAEL TURCIOS - 3/1/2013

Page 74

1 Q Nobody?

2 A No.

3 Q You mentioned that you thought Carmex is ripping
4 people off, right?

5 A Yeah.

12:00

6 Q Can you tell me all the facts you have that that
7 is the case.

8 A You're only getting half of what's inside that
9 jar.

10 Q How do you know that?

12:01

11 A Because there's another plastic coating on the
12 bottom of the jar.

13 Q And when did you see that plastic coating on the
14 bottom of the jar?

15 A I don't remember.

12:01

16 Q What plastic coating are you talking about?

17 A On the inside of the jar.

18 Q Plastic coating on the inside of the jar?

19 A On the bottom too.

20 Q And how do you know that?

12:02

21 A I seen it not too long ago.

22 Q And how long ago was that?

23 A I'm not sure.

24 Q Was it this year?

25 A I'm not sure.

12:02

MICHAEL TURCIOS - 3/1/2013

Page 75

1 Q Was it last year?

2 A I don't remember.

3 Q So when you talk about plastic coating, I'm
4 trying to figure out what you're talking about. Can you
5 be more specific. 12:03

6 Are you talking about plastic or a sticker, or
7 what?

8 A Well, it's just that, the plastic coating and
9 the indent on the bottom of the jar.

10 Q So the indentation on the bottom of the jar? 12:03

11 A Excuse me.

12 Sorry about that. I'm good.

13 Q What indentation are you talking about?

14 A On the bottom. It's like a little -- it goes
15 like that, and it goes up. 12:03

16 Q Anything else with the jar that is problematic,
17 in your opinion?

18 MR. MARKER: Objection to the extent it calls
19 for a legal conclusion, but you can answer.

20 THE WITNESS: Can you repeat that again. 12:04

21 BY MS. DAVIDSON:

22 Q Yeah.

23 So I asked you why did you think Carmex is
24 ripping people off, and I'm trying to get specifics of
25 why you think that's the case. And I heard you say that

MICHAEL TURCIOS - 3/1/2013

Page 76

1 there's a plastic part of the jar, and then you talked
2 about an indentation, and I'm trying to figure out all the
3 problems you think with the jar. I'm just trying to get
4 the specifics because I don't entirely understand.

5 A There should be more than there is in there.

12:04

6 Q Why do you say that?

7 A Could you repeat that again.

8 Q Sure.

9 MS. DAVIDSON: Can I have the question read
10 back.

12:05

11 (The record was read as follows:

12 "Question: Why do you say that?")

13 MS. DAVIDSON: Further up.

14 (The record was read as follows:

15 "Question: So I asked you why did you
16 think Carmex is ripping people off,
17 and I'm trying to get specifics of why
18 you think that's the case. And I
19 heard you say there's a plastic part
20 of the jar, and then you talked about
21 an indentation, and I'm trying to
22 figure out all the problems you think
23 with the jar. I'm just trying to get
24 the specifics because I don't entirely
25 understand.")

12:06

MICHAEL TURCIOS - 3/1/2013

Page 77

1 BY MS. DAVIDSON:

2 Q So what problems do you have with the jar? If
3 you can be as specific as possible.

4 A There just should be more product in that jar
5 than what there is. 12:06

6 Q Why do you say that?

7 A There just should, there should be more.

8 Q Do you know how much product is contained in the
9 jar?

10 A Well, it's .25 ounces, right? 12:06

11 Q How do you know that?

12 A Because you just said it.

13 Q Because I told you?

14 A Right, .25 ounces.

15 Q How do you know there should be more than .25
16 ounces? 12:06

17 A You can tell right away when you see in that
18 jar.

19 Q When you've seen the jar -- can you explain that
20 further, what you mean. 12:07

21 Are you saying that you can tell right away,
22 when you look at the jar, that it should have more? Is
23 that your point?

24 A Yeah.

25 Q Why did you continue to buy it if that's what 12:07

MICHAEL TURCIOS - 3/1/2013

Page 78

1 you think?

2 A It was the best quality.

3 Q And you liked the product, right?

4 A Right.

5 Q So when you say that you thought you should get 12:07
6 more, where is that coming from?

7 A I don't know. I guess how fast my jars ran out
8 when I did purchase them, just didn't think anything of
9 it.

10 Q So you didn't think anything of it, but I hear 12:08
11 you today saying that you have a problem. So which one
12 is it?

13 A Both the bottom of the jar and the product in
14 the jar.

15 Q But you continued to buy it. 12:08

16 A Well, yeah. Like I said, you want the best
17 quality lip balm there is.

18 Q And that's why you bought it.

19 A Yes. Carmex works.

20 Q And so when you talk about the indentation of the 12:08
21 jar --

22 A Right.

23 Q -- have you ever seen a jar that didn't have the
24 indentation on it?

25 A Yeah, the bigger Carmex jar. 12:08

MICHAEL TURCIOS - 3/1/2013

Page 79

1 Q When you say "bigger," which jar are you
2 referring to?

3 A I'm not sure how much is in there.

4 Q But bigger than the .25-ounce jar you bought?

5 A Well, it's -- yeah, it's way bigger than the
6 .25-ounce jar, but there's, like, the same amount in
7 there as a .25 ounce.

12:09

8 Q So which jar is that?

9 A It's the one with the black and yellow writing
10 on it.

12:09

11 Q Black and yellow writing on it.

12 A Right. I think the letters -- the letters say
13 "Carmex" in black, and the rest of the jar is yellow.

14 Q And so that jar, to your understanding, is
15 larger than the jar you're complaining about?

12:09

16 A Yeah. It looks larger, but there's nothing in
17 there.

18 Q Yeah. So I thought you said that you wanted the
19 larger jar; am I misunderstanding you?

20 A Wanted a larger jar?

12:09

21 Q Let's back up for a second.

22 I asked you whether or not -- I asked you, do
23 you have any problem with the jar that has what you claim
24 is the indention in it, right?

25 A Right.

12:10

MICHAEL TURCIOS - 3/1/2013

Page 80

1 Q And I asked you whether or not you had a problem

2 with any other jar. And what's your answer?

3 A Yeah, there's a problem with both of those jars.

4 Q Okay. And so now I'm trying to get --

5 A I got -- sorry, go ahead.

12:10

6 Q Go on.

7 A I got mixed up.

8 Q Okay.

9 A The one with the bigger jar is the one with the

10 plastic inside of it that, you know, it seems like

12:10

11 there's more in there but there isn't, it's actually the

12 same amount as in the .25 ounce.

13 Q So wait, there's two jars you're referring to.

14 A Right, the bigger one --

15 Q The bigger one -- and when you say "bigger," is

12:10

16 it the .25-ounce jar?

17 A The one that is bigger than the .25-ounce jar.

18 Q Has more product in it.

19 A Should have more product in it.

20 Q So what jar -- is it a jar that says anything

12:10

21 other than .25 ounces on it?

22 A I don't remember what --

23 Q But it's bigger than the one that is --

24 A Yeah.

25 Q -- compared to what?

12:11

MICHAEL TURCIOS - 3/1/2013

Page 81

1 A It's a bigger oval than a little size .25-ounce
2 jar.

3 Q So the little size .25-ounce jar, when did you
4 purchase that, if you did?

5 A A while ago.

12:11

6 Q And so you're claiming there's a little jar and
7 a big Carmex jar?

8 A A little jar inside the big Carmex jar?

9 Q No, I'm just using your words.

10 You said there's a little jar and there's a
11 larger jar, so that makes me believe that you think
12 there's two size jars. Am I right?

12:11

13 A Well, the bigger just has less product in it and
14 it should have more.

15 Q So what about the other jar you're talking
16 about?

12:11

17 A The .25 ounce?

18 Q Yeah.

19 How much product do you think you're getting in
20 that?

12:11

21 A Less than .25.

22 Q Okay. So you think you're getting less than the
23 .25 ounces it says on the product.

24 A Right.

25 Q Okay.

12:12

MICHAEL TURCIOS - 3/1/2013

Page 82

1 A And that's because of the little indention on
2 the bottom of the .25-ounce jar.

3 Q Have you ever tried to check to see whether or
4 not you're getting less than .25 ounces?

5 A Never bothered to check.

12:12

6 Q Never bothered.

7 So at some point you came to the conclusion that
8 you were getting less than the .25 ounces. How do you
9 come to that conclusion?

10 A During that conversation, when I overheard
11 Marissa and Elaine talking about it.

12:12

12 Q Okay. So what did Marissa and Elaine tell you
13 about that?

14 A That there's a little indention on the bottom of
15 the Carmex jars and that people were getting ripped off.
16 And I mentioned that I purchased a bunch of Carmex in the
17 past, so I'm one that got ripped off too.

12:12

18 Q So that was the first time you learned there was
19 an indention on the bottom of the jar; is that what
20 you're saying?

12:12

21 A Well, I told you earlier that I have always
22 noticed it but didn't think anything of it.

23 Q So you always noticed it based off your prior
24 purchases; is that what you're saying?

25 A Right.

12:13

MICHAEL TURCIOS - 3/1/2013

Page 83

1 Q And you never had any complaints with it then?

2 A No, because I didn't think of it.

3 Q And when Marissa and Elaine talked to you about
4 it, then you felt like you were getting ripped off?

5 A Correct.

12:13

6 Q Is that what you're saying?

7 A Correct.

8 Q And that's because of the indention; am I
9 correct?

10 A Correct.

12:13

11 Q Other than the indention, is there any other
12 issues that you find problematic with the Carmex jars
13 that you purchased?

14 A No. Just that they should give the people's
15 money's worth.

12:13

16 Q What money's worth are you talking about?

17 A Whatever people spend on Carmex.

18 Q And that's because you think the jar contains
19 less than .25 ounces?

20 A Exactly.

12:13

21 Q Even though it says that on the jar?

22 A Correct.

23 Q You think they're lying?

24 A Yeah.

25 Q Have you done anything to verify whether or not

12:14

MICHAEL TURCIOS - 3/1/2013

Page 84

1 Carmex is lying about giving people less than .25 ounces
2 in the jars that you've purchased?

3 A Can you repeat that real quick? Sorry.

4 Q Yeah, sure.

5 Have you done anything to verify whether Carmex
6 is lying about giving people .25 ounces of product in the
7 jars that you purchased?

12:14

8 A No.

9 Q Well, how do you know that's the case, then?

10 A I don't know. You can just tell.

12:14

11 Q How can you just tell?

12 A By the indentation in the little jar.

13 Q Is that the only basis you have for claiming
14 that Carmex is lying?

15 A Right.

12:15

16 Q If you learned that Carmex was in fact giving
17 the exact .25 ounces in those jars that you're upset
18 about, would you change your viewpoint?

19 A Can you repeat that.

20 Q Yeah.

12:16

21 If you learned that Carmex in fact was giving
22 consumers the actual .25 ounces in the jars you're
23 complaining of, would this change your viewpoint?

24 A I don't know.

25 Q Why do you say you don't know?

12:16

MICHAEL TURCIOS - 3/1/2013

Page 85

1 A Because I don't know.

2 Q Well, you're accusing the company of lying. And
3 if it was the case that wasn't true, that they weren't
4 lying, would this change your viewpoint about the
5 product?

12:16

6 A It will always be a good product.

7 Q Would you still think you're getting ripped off
8 if it was verified that you were getting the .25 ounces,
9 and it wasn't in fact the case that you weren't getting
10 less than that?

12:17

11 A I don't think it's a bad product. They need to
12 give the money's worth, that's it.

13 Q My question is different.

14 My question is: If you did learn that you were
15 actually getting the .25 ounces of product in the jars
16 you're complaining of, would that change your viewpoint
17 in this case?

12:17

18 A I don't know.

19 Q Well, if you learned that Carmex wasn't lying
20 and giving less than .25 ounces, wouldn't you rethink
21 your position?

12:17

22 A I don't know.

23 Q Why do you say you don't know?

24 A Because I don't.

25 Q You don't know whether or not if you learned

12:17

MICHAEL TURCIOS - 3/1/2013

Page 86

1 that you're getting .25 ounces, you would be no longer
2 dissatisfied?

3 A I don't know.

4 Q But that's what you want, .25 ounces, correct?

5 A Right.

12:18

6 Q So if that's what you want, and you in fact were
7 getting that amount, would you be happy?

8 A Yeah.

9 MR. MARKER: Let's take a break.

10 MS. DAVIDSON: Let's take a break for quick
11 lunch, 20-minute lunch. I really don't have much more.

12:18

12 MR. MARKER: Okay.

13 MS. DAVIDSON: I don't have much more. I
14 probably have, like -- I've just got to confer and --

15 MR. MARKER: Okay.

12:18

16 MS. DAVIDSON: -- figure out. Why don't we take
17 a quick break, okay?

18 MR. MARKER: 12:45?

19 MS. DAVIDSON: Yeah, sure. And then you guys
20 can have a quick lunch.

12:18

21 THE VIDEOGRAPHER: This marks the end of
22 videotape number one, Volume 1, in the deposition of
23 Michael Turcios.

24 Going off the record. The time is 12:18 p.m.

25 (Recess taken.)

12:18

MICHAEL TURCIOS - 3/1/2013

Page 87

1 THE VIDEOGRAPHER: Back on the record.

2 This marks the beginning of videotape number
3 two, Volume 1, in the deposition of Michael Turcios. The
4 time is 12:48 p.m.

5 BY MS. DAVIDSON:

12:48

6 Q Prior to filing your class-action lawsuit in
7 this case, sir, had you ever tried to contact Carma Labs
8 about any concerns or complaints you've had with their
9 product or packaging?

10 A Will you repeat that.

12:48

11 Q Sure.

12 Prior to filing this lawsuit --

13 A Right.

14 Q -- class-action lawsuit that you filed, had you
15 ever tried to contact Carma Labs about any concerns or
16 complaints that you had with its .25-ounce jar?

12:48

17 A No.

18 Q Why not?

19 A I don't know.

20 Q When you say you don't know, I'm not entirely
21 sure what that means. Can you be more specific?

12:49

22 MR. MARKER: Objection to the extent it asks for
23 attorney-client privilege.

24 But you can answer.

25 THE WITNESS: I don't know.

12:49

MICHAEL TURCIOS - 3/1/2013

Page 88

1 BY MS. DAVIDSON:

2 Q You don't know why you didn't contact them?

3 A Right.

4 Q Are you aware, sir, that Carma Labs offers a
5 hundred percent full refund on any product purchased,
6 including its .25-ounce Carmex jar, if a consumer is not
7 satisfied with its purchase?

12:49

8 A No.

9 Q Have you ever gone to the Web site to see
10 whether or not you could get your money back?

12:49

11 A No.

12 Q Have you ever looked at anything relating to
13 whether Carmex offers a money-back guarantee?

14 A No.

15 Q So you've never seen that Carmex offers a
16 money-back guarantee on any type of advertising, Web site
17 or other forum?

12:50

18 A No.

19 Q Did it ever cross your mind that before filing a
20 lawsuit, that maybe you should try to see if you can get
21 your money back from Carma Labs?

12:50

22 A No.

23 Q Are you asking for a refund in this case, sir?

24 A No, no refund, just the right amount of product

25 in the jar.

12:51

MICHAEL TURCIOS - 3/1/2013

Page 89

1 Q You don't want a refund.

2 A The right amount of product in the jar.

3 Q And when you say "right amount," you mean .25
4 ounces, correct?

5 A No, the other half of Carmex that's supposed to 12:51
6 be in there.

7 Q I thought you said .25 ounces is what you
8 wanted.

9 A I didn't know what the heck 2 point -- or .25
10 ounces was. 12:51

11 Q You don't know what .25 ounces means?

12 A No, I didn't know what I was talking about
13 earlier.

14 Q Why not?

15 A I was getting confused. 12:51

16 Q And so now you're changing your testimony.

17 A Yeah, to that.

18 Q Why?

19 A Because I got confused.

20 Q Confused about what? 12:51

21 A About all the questions you were asking me.

22 Q About the amount of product you were getting?

23 A Yeah.

24 Q So you're not claiming that you got anything
25 less than .25 ounces; is that what you're saying now? 12:52

MICHAEL TURCIOS - 3/1/2013

Page 90

1 A Correct.

2 Q So how do you know you got .25 ounces?

3 A Well, obviously they're not going to write it on
4 the jar for no reason, or you wouldn't purchase it.

5 Q That's right. The stated amount is what you 12:52
6 get, correct?

7 A Right.

8 Q And you knew that before you purchased the
9 product, correct?

10 A Yeah. 12:52

11 Q "Yes"?

12 A Yeah.

13 Q You've got to say "yes" or "no."

14 Is that a "yes"?

15 A Yes. 12:52

16 Q What amount of product do you think you're
17 entitled to, other than the stated amount?

18 A The other half in that jar.

19 Q When you say "other half," what do you mean?

20 A The other half of the product that's supposed to 12:53
21 be in that jar.

22 Q How do you know other half of product is
23 supposed to be in the jar?

24 A Through the indent on the bottom of the
25 .25-ounce jar. 12:53

MICHAEL TURCIOS - 3/1/2013

Page 91

1 Q Why do you think that you're entitled to more
2 than .25 ounces, which is the stated amount on the jar?

3 A What was that?

4 Q Why do you think you're entitled to more than
5 .25 ounces, which is what's stated on the jar?

12:53

6 A I know that's the correct amount of whatever .25
7 ounces is, but it ain't -- I mean, it's not the right
8 amount of product inside the jar.

9 Q So prior to talking to Marissa, you never had
10 any concerns or complaints about the jar, correct?

12:54

11 A I never thought of it.

12 Q Until you talked to Marissa and her mom,
13 correct?

14 A Yeah, I never thought of it.

15 Q Yeah.

12:54

16 And Marissa and her mom work for the law firm
17 that represents you, correct?

18 A Correct.

19 Q So you continued to buy the product and never
20 had any complaints or concerns about the amount you were
21 getting. And now you're unhappy?

12:54

22 A Correct.

23 Q How do you reconcile the two positions?

24 A What does "reconcile" mean?

25 Q Well, if you weren't unhappy with what you were

12:54

MICHAEL TURCIOS - 3/1/2013

Page 92

1 getting the entire time you were purchasing it, why all
2 of a sudden are you unhappy now?

3 A I guess you can just tell there's not the right
4 amount of product in the jar.

5 Q And you knew that from the time you purchased 12:55
6 it, correct?

7 A Not from the time I purchased it.

8 Q Well, you've been purchasing it for, I think you
9 said now, 20 times. So when did you make the
10 determination that it didn't have enough amount? 12:55

11 A Just recently found out that the bottom of the
12 jar had that indent on it and that sticker that's
13 covering the little hole that's in the middle.

14 Q And somebody told you that, correct?

15 A Huh? 12:55

16 Q And Marissa and her mom told you that?

17 A No.

18 Q When did you look at the jar?

19 A When I bought one maybe a few months back.

20 Q So this entire time that you've purchased it, 12:56
21 you had no complaints with the jar until recently,
22 correct?

23 A Correct.

24 Q When is the time you purchased it and saw the
25 sticker on the bottom of the jar? 12:56

MICHAEL TURCIOS - 3/1/2013

Page 93

1 A I'm not sure when.

2 Q Was it after you talked to Marissa?

3 A No.

4 Q It was before.

5 A Yeah.

12:56

6 Q So when you saw the sticker on the bottom on the
7 jar, what did you think?

8 A Didn't look right. It had that sticker over the
9 little hole that's in the middle of the jar, and I'm just
10 like, Nah, this is a little bit... But still, I didn't
11 think anything of it.

12:56

12 Q Until later, correct?

13 A Correct.

14 Q How much money would you be willing to pay for
15 the product?

12:57

16 A Through what?

17 Q How much money would you be willing to pay for
18 the .25-ounce product in the Carmex jar?

19 A A dollar.

20 Q A dollar.

12:57

21 A Yeah.

22 Q And why do you say that?

23 A Because it ain't the right -- it's not the right
24 amount that's in there.

25 Q But you don't know the price you paid for the

12:57

MICHAEL TURCIOS - 3/1/2013

Page 94

1 jars. How do you get the dollar?

2 A Obviously, it's more than a dollar.

3 Q It is?

4 A A few dollars.

5 Q It's a few dollars?

12:57

6 A Like 2 something, maybe 3. I can't remember the
7 price. But it's not what -- it's not what -- it's not
8 the right amount that's in there.

9 Q So you paid \$3 for the jar.

10 MR. MARKER: Misstates prior testimony.

12:57

11 MS. DAVIDSON: Well, his prior testimony is he
12 doesn't remember the price.

13 Q Is that true?

14 A Yeah. I know it's more than a dollar, though.

15 It's more than 2 bucks and some change maybe.

12:58

16 Q More than \$2.

17 A Two bucks and some change. It's not worth it.

18 Q So what do you -- so do you want a refund?

19 MR. MARKER: Objection to the extent it calls
20 for a legal conclusion regarding damages.

12:58

21 But you can answer if you want.

22 THE WITNESS: Like I said earlier, just the
23 right amount of product is fine.

24 BY MS. DAVIDSON:

25 Q Do you have a percentage of the amount of

12:58

MICHAEL TURCIOS - 3/1/2013

Page 95

1 product that you believe you should get?

2 A A full jar, however much that is.

3 Q What are you defining as the "jar"?

4 A What am I defining as a jar?

5 Q As the "jar." You keep saying "jar." But what 12:59
6 are you defining as the jar?

7 A The .25-ounce jar, just the right amount of
8 product, just full. And...

9 Q Do you recycle?

10 A No. 12:59

11 Q Do you think it's important for companies to
12 make efforts to preserve the environment?

13 A Yeah.

14 Q Is it important to you that companies make an
15 effort to reduce the amount of plastic that they're using 01:00
16 in connection with their products?

17 A I don't know.

18 Q Is it important to you that companies make
19 efforts to reduce waste?

20 A I don't know. No. 01:00

21 Q It's not?

22 A I don't think of it.

23 Q You don't think of it?

24 Do you ever make purchasing decisions based on
25 how environmentally conscious a company is? 01:00

MICHAEL TURCIOS - 3/1/2013

Page 96

1 A No.

2 Q Does that matter to you?

3 A No.

4 Q Since this lawsuit has been filed, have you
5 examined any Carmex jars?

01:00

6 A Just that one a few months ago.

7 Q That's after the lawsuit was filed?

8 A No.

9 Q It was prior to the lawsuit was filed.

10 A I can't remember, but -- yeah, I can't remember.

01:01

11 Q And was anybody with you?

12 A No.

13 Q And was this a jar that you purchased, that you
14 examined?

15 A Yes.

01:01

16 Q And did you use the full amount of product in
17 that jar?

18 A I'm not sure.

19 Q Do you know how much you paid for that jar?

20 A I don't remember.

01:01

21 MS. DAVIDSON: Let's mark as Exhibit 1 this.

22 (Defendant Exhibit 1 was marked

23 for identification by the reporter.)

24 BY MS. DAVIDSON:

25 Q I'm placing before you what has been marked as

01:02

MICHAEL TURCIOS - 3/1/2013

Page 97

1 Exhibit 1, sir.

2 Can you take a look at this document and tell me
3 if you recognize it. Have you ever seen it before, is my
4 question.

5 A Yes.

01:02

6 Q When did you see it for the first time?

7 A I can't remember. I've seen a lot of documents.

8 Q You've seen a lot of documents in this case?

9 A More than a couple.

10 Q And what kind of documents have you seen?

01:03

11 A I don't remember.

12 Q But you know you've seen this?

13 A Yeah.

14 Q If you'd take a look at the -- I think the last
15 page, sir.

01:03

16 It says Verification. Do you see that?

17 A Yeah.

18 Q And you see, is that your signature at the
19 bottom there?

20 A Yes.

01:03

21 Q If you'd turn to interrogatory 11, sir.

22 A Where is that at?

23 Q That's a page -- I apologize. Let me help you.
24 Page 8 of the document.

25 You see that there's little numbers on the

01:04

MICHAEL TURCIOS - 3/1/2013

Page 98

1 bottom?

2 A Right here?

3 MR. MARKER: Uh-huh.

4 THE WITNESS: Yeah.

5 BY MS. DAVIDSON:

01:04

6 Q If you'd take a look at interrogatory 11, sir.

7 You don't have to concern yourself too much with
8 the details of the interrogatory, but I'm specifically
9 interested in the part at the bottom that says:

10 "Plaintiff and the Class will seek actual damages in the
11 amount of 36 percent of the actual retail price paid for
12 the Defendant's Carmex Jar."

01:04

13 Do you see that at the very bottom there?

14 A No, I don't see it. Where is it at?

15 Q Do you see where it says Response to
16 Interrogatory No. 11, the title up there? Do you see
17 that?

01:05

18 A Okay, yeah.

19 Q So if you go all the way down to line 17. Do
20 you see that?

01:05

21 A Plaintiff and -- okay.

22 Q Yeah, "Plaintiff and the Class will seek actual
23 damages in the amount of 36 percent of the actual retail
24 price paid for the Defendant's Carmex Jar."

25 Do you see that?

01:05

MICHAEL TURCIOS - 3/1/2013

Page 99

1 A Right.

2 Q Do you know where that 36 percent number comes
3 from?

4 A 36 percent? I don't remember.

5 Q You don't know what the 36 percent is based on? 01:05

6 A I don't remember.

7 Excuse me.

8 Q When you say you don't remember, what does that
9 mean?

10 A I don't remember. 01:06

11 Q So at one point did you remember maybe?

12 A Possibly.

13 Q But right now you can't tell me what that 36
14 percent number is based on, is that what you're saying?

15 A I can't remember. 01:06

16 Q You can put that document away, sir.

17 MS. DAVIDSON: I think we have probably five
18 minutes left. Let me collect my notes and come back in
19 about five minutes.

20 MR. MARKER: Okay. 01:07

21 MS. DAVIDSON: Let's take a quick break.

22 THE VIDEOGRAPHER: Going off the record. The
23 time is 1:07 p.m.

24 (Recess taken.)

25 THE VIDEOGRAPHER: Back on the record. The time 01:25

MICHAEL TURCIOS - 3/1/2013

Page 100

1 is 1:26 p.m.

2 MS. DAVIDSON: I have no further questions.

3 MR. MARKER: I'm going to ask a couple of
4 clarification questions.

5 MS. DAVIDSON: Okay.

01:26

6 EXAMINATION

7 BY MR. MARKER:

8 Q Michael, when was the first time you met me?

9 A A couple years ago.

10 Q Have you ever known me as anything besides an
11 attorney?

01:26

12 A No.

13 Q Did you receive a letter from me last summer
14 that included the retainer agreement?

15 A Yes.

01:26

16 Q Okay. Do you know what a class representative
17 is?

18 A Yes.

19 Q What is it generally?

20 A It's a person that's the head of all the people
21 involved in the Carmex case. And a class rep's

01:26

22 responsibility is to put their -- what's that word?

23 What's that word? I can't remember the word, but -- you
24 know, I can't remember the word.

25 Q What's the idea of it? How is this different

01:27

MICHAEL TURCIOS - 3/1/2013

Page 101

1 than a regular case? Do you know?

2 A How is it different than what?

3 Q A regular case.

4 A A regular case?

5 Q Yeah.

01:27

6 A There's a lot of people involved.

7 Q Okay. Do you owe those people any kind of
8 duties?

9 A Do I owe them any kind of duties?

10 Q Yeah.

01:27

11 A If it comes down to it.

12 Q Okay. All right. Were you promised anything of
13 value to be the plaintiff in this case?

14 A No.

15 Q When is the first time we met in person about
16 this case?

01:27

17 A A couple days ago.

18 Q Okay. Had you ever heard the measure -- had you
19 ever heard the term ".25 ounces" before today?

20 A Not -- no.

01:28

21 Q Did you look at the Carmex jars and see the ".25
22 ounces" before you bought that, the jars?

23 A Did I look at them?

24 Q Yeah. Did you inspect them?

25 A No.

01:28

MICHAEL TURCIOS - 3/1/2013

Page 102

1 Q Okay. Do you know if .25 ounces is a
2 measurement of weight or volume?

3 A No.

4 Q When you bought the .25-ounce jars, did you
5 think it was full?

01:28

6 A Yes.

7 Q Did you think it was completely full?

8 A Yes.

9 Q Okay. How did you learn that it wasn't full?

10 A By peeling the sticker off from the bottom of
11 the jar.

01:28

12 Q Did you do that in 2012 or before?

13 A Before any of this.

14 Q What year, approximately?

15 A 2012.

01:29

16 Q Okay. When you were purchasing the product, do
17 you care more about the environment or the price you pay?

18 A The price I pay.

19 MR. MARKER: Okay, that's all I have.

20 MS. DAVIDSON: No further questions.

01:29

21 MR. MARKER: All right. Oh, wait, one thing.
22 Here, can you mark this.

23 THE REPORTER: 2, or Plaintiff's 1?

24 MR. MARKER: Yeah. You can do it however you
25 want.

01:29

MICHAEL TURCIOS - 3/1/2013

Page 103

1 MS. DAVIDSON: Wait, wait, wait. Let's just be
2 clear here, I'm not marking that exhibit.

3 MR. MARKER: Okay.

4 MS. DAVIDSON: So is it going to be --

5 MR. MARKER: I don't care if you mark it or not. 01:29
6 Can you -- I'll mark it.

7 MS. DAVIDSON: All right, so why don't we just
8 come to this. The exhibit that I marked was --

9 THE REPORTER: Defendant's 1.

10 MS. DAVIDSON: -- Defendant's 1. How about we 01:29
11 do Plaintiff's 1 for this one?

12 MR. MARKER: Yeah, that's fine.

13 MS. DAVIDSON: Or Plaintiff's -- yeah, 1, that's
14 okay.

15 MR. MARKER: Yeah, that's fine. 01:29

16 (Plaintiff Exhibit 1 was marked
17 for identification by the reporter.)

18 BY MR. MARKER:

19 Q Can you look at this letter brief- -- or can you
20 look at this and tell me what it is. 01:30

21 Does it appear to be a letter?

22 A Yeah.

23 Q Who is it directed to? Who is the recipient?

24 A Woelbing.

25 Q Is there a company listed? 01:30

MICHAEL TURCIOS - 3/1/2013

Page 104

1 A Carma.

2 Q Okay.

3 A Laboratories.

4 Q The defendant in this case, correct?

5 A Correct.

01:30

6 Q Who signed this letter?

7 A You did.

8 Q What's the date of it?

9 A September 4th.

10 Q Did you receive a copy of this letter?

01:30

11 A Yes.

12 MR. MARKER: Okay, that's all I have.

13 MS. DAVIDSON: No further questions.

14 All right, guys, thanks for your time.

15 THE WITNESS: Thank you.

01:30

16 MR. MARKER: Have a safe trip back.

17 MS. DAVIDSON: Yeah, thanks.

18 THE VIDEOGRAPHER: This concludes Volume 1 of
19 the deposition of Michael Turcios. The number of tapes
20 used was two.

01:31

21 MR. MARKER: Oh, wait. Do you want to do a
22 stipulation?

23 MS. DAVIDSON: For what?

24 MR. MARKER: For the court reporter.

25 MS. DAVIDSON: No. Let's do this. We can do it

01:31

1 off the record.

2 Sorry. Go on, sir.

3 THE VIDEOGRAPHER: The original videotapes will
4 be retained by Merrill court reporting San Francisco, 135
5 Main Street, San Francisco, California.

01:31

6 Going off the record. The time is 1:31 p.m.

7 (The deposition was concluded at 1:31 p.m.)

8 //

9 //

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25